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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,630	06/24/2003	Joseph B. Agusta	P5087C1	2917
24739	7590	11/16/2005	EXAMINER	
CENTRAL COAST PATENT AGENCY PO BOX 187 AROMAS, CA 95004			NGUYEN, QUYNH H	
			ART UNIT	PAPER NUMBER
			2642	
DATE MAILED: 11/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/603,630	<b>Applicant(s)</b> AGUSTA, JOSEPH B.	
	<b>Examiner</b> Quynh H. Nguyen	<b>Art Unit</b> 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 9/7/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 29-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Applicant's amendment filed 9/7/05 has been entered. No claims have been amended. Claims 21-28 have been cancelled. Claims 29-36 have been added. Claims 29-36 are still pending in this application, with claims 29, 31, 33, and 35 being independent.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 29, 31, 33, and 35 recite "selecting an agent to service the task from the agents remaining in contention". It is unclear as to select an agent to service the task from the agents remaining from what? Is this step of selecting related to the step of determining? For the purposes of examining, Examiner interprets the claims as "selecting an agent to service the task from the available agents qualified to service the task".

***Claim Rejections - 35 USC § 102***

4. Claims 29, 31, 33, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Bogart et al. (U.S. Patent. 6,163,607).

Regarding claims 29 and 31, Bogart et al. disclose a method of assigning tasks to agents in a service center based on agent skills required to service individual tasks, comprising: in response to a task to be service (Fig. 3, 300), determining a skill set that would be best suited for responding to the task (Fig. 3, 302 – *where Bogart discussed determining skill x of available agents who have skills X that would be best suited for responding to the call arrives need assistance with skill X*); building a resume table (*service profile*) of available agents based upon the skills which they possessed (Fig. 2, 210, 400, and 402 and col. 4, lines 18-38); determining from the resume table of available agents all agents with best match to service the task (col. 3, lines 15-17 and col. 5, lines 37-41); selecting an agent to service the task from the available agents qualified to service the task (Fig. 3, 306 and col. 5, lines 66-67).

Claims 33 and 35 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Bogart et al. teach computer program code embodied in a storage medium for controlling a computer to assign tasks to agents (Fig. 1 and col. 3, line 61 through col. 4, line 10).

***Claim Rejections - 35 USC § 103***

5. Claims 30, 32, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogart et al. (U.S. Patent. 6,163,607) in view of Brooks et al. (U.S. Patent 5,825,869).

Regarding claims 30, 32, 34, and 36, Bogart et al. do not disclose the step of selecting an agent with a minimum qualification level from among the agent.

Brooks et al. teach selecting an agent with a minimum qualification level from among the agent (col. 9, lines 50-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of selecting an agent with a minimum qualification level from among the agent, as taught by Brooks, in Bogart's system, thus making the managing and load balancing of a call center more efficient. Selecting an agent with a minimum qualification among the agents is well known in Automatic Call Distributing Center and the advantage of selecting an agent with a minimum qualification among the agents is also well known. For example, if agent A1 speaks English and Spanish and agent A2 speaks only Spanish, a task needs to be serviced is Spanish then one would select agent A2.

***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645

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(Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 29-36 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 6-7, and 11-12 respectively of U.S. Patent No. 6,584,192. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the instant application present a method for assigning tasks to agents in a service center based on agent skills required to service individual tasks. Claims 29-36 of the instant application substantially correspond to claims 1-2, 6-7, and 11-12 respectively of the U.S. Patent No. 6,584,192. The common subject matter claimed above includes a method of assigning tasks to agents in a service center based on agent skills required to service individual tasks by determining a skill set that would be best suited for responding to the task, determining from a built resume table of available agents all agents with best match to service the task; and selecting an agent to service the task from the agents determined above. The difference between the instant application and the copending applications is in the instant application determining a skill set that would be best suited for responding to the task; while in the U.S. Patent No. 6,584,192 representing the N skills as N Boolean variables, determining a set X of all logical stated of the Boolean variables that contain the required skills, wherein the resume table is

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organized by the logical states of the N Boolean variables and each agent is represented in each state that includes all skills possessed by the agent. Obviously, one could choose different algorithm for calculating qualification level for an agent depending on one's needs and the environment that ACD center supports. For example, Bogart et al. use generator (Fig. 1, 151) and selector (Fig. 1, 150) that enable the weighting to strongly reflect agent performance and selects the agent who has the best combined score to handle the call; while the instant application determining a skill set that would be best suited for responding to the task, determining from a built resume table of available agents all agents with best match to service the task; and selecting an agent to service the task from the agents determined above.

### ***Response to Arguments***

8. Applicant's arguments filed 9/7/05 have been fully considered but they are not persuasive. Applicant's arguments are addressed in the above claims rejection.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

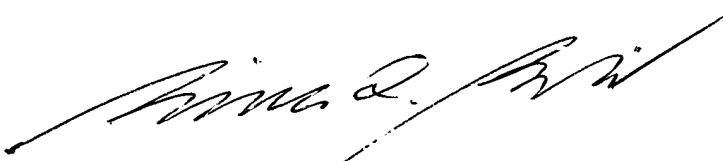
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to 4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quynh H. Nguyen

November 9, 2005



BING Q. BUI  
PRIMARY EXAMINER